

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ABDULKADIR MOHAMOUD AFRAH,

Defendant.

) INDICTMENT

CR-11-67 DWF/JJG

) (18 U.S.C. § 666(a)(1)(A))

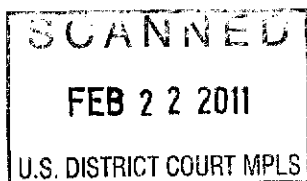
) (18 U.S.C. § 666(a)(1)(B))

) (18 U.S.C. § 1343)

) (18 U.S.C. § 1346)

THE UNITED STATES GRAND JURY CHARGES THAT:

1. The State of Minnesota government consists of the legislative, judicial and executive branches.
2. The Minnesota Judicial Branch - through the State Supreme Court, the State Court of Appeals and District Courts - interprets and applies State and local laws.
3. The Fourth Judicial District (Fourth District) of the Minnesota Judicial Branch has jurisdiction over most law violations that occur in Hennepin County, Minnesota, and receives more than \$10,000.00 annually in Federal benefits, including more than \$10,000.00 in Federal grant funds from July 1, 2009, through June 30, 2010.
4. Defendant Abdulkadir Mohamoud Afrah was employed as a Senior Court Clerk in the Fourth District and generally performed his official duties at the Violations Bureau of the Hennepin County Government Center in Minneapolis, Minnesota (Violations Bureau).



FILED FEB 22 2011
RICHARD D. SLEITEN, CLERK
JUDGMENT ENTERED _____
DEPUTY CLERK'S INITIALS _____

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COUNT 1

(Honest Services Wire Fraud)

5. The grand jury hereby incorporates and realleges paragraphs 1 through 4 of this indictment.
6. As part of his employment with Minnesota's Judicial Branch, defendant owed his honest and faithful services to the State of Minnesota and its citizens, who held the intangible right to defendant's honest services, performed free of deceit, fraud, dishonesty, conflict of interest and self-enrichment.
7. Defendant's duties included processing certain traffic tickets including those issued for vehicle insurance violations.
8. Minnesota State law requires both that the owner of a registered vehicle have valid insurance and produce proof of it if requested by a peace officer and that the driver of a vehicle produce proof of insurance if so requested.
9. A person who violates Minnesota's vehicle insurance laws may suffer monetary penalties, a term of imprisonment, and revocation of driving privileges in addition to higher vehicle insurance costs.
10. To avoid these consequences, a ticketed person may establish that an insurance policy was "in force," meaning in effect for the vehicle when the ticket was issued.
11. A ticketed person establishes this by presenting proof of insurance to a court clerk for the jurisdiction where the ticket was issued, and then the court clerk verifies the

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insurance policy by contacting the insurance company.

12. If the ticketed person timely establishes that the insurance policy was in force when the ticket was issued, the court clerk documents the policy information in the court's computer system and dismisses the insurance violation without any fine, punishment or other consequence to the ticketed person.
13. If the insurance policy was not in force when the ticket was issued, the court clerk does not dismiss the ticket but may instead accept a guilty plea and payment of the monetary penalty, which the court clerk also documents in the court's computer system.
14. From in or about January 2008, and continuing through in or about January 2011, in the State and District of Minnesota, the defendant,

ABDULKADIR MOHAMOUD AFRAH,

devised and intended to devise a scheme to deprive the State of Minnesota and its citizens of the intangible right to the defendant's honest services, performed free of deceit, fraud, dishonesty, conflict of interest and self-enrichment; and to obtain money by false or fraudulent pretenses, representations or promises, and concealment of material facts.

PURPOSE OF THE SCHEME

15. The purpose of the scheme was to solicit and accept bribes from persons who had received tickets for vehicle insurance

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violations, to unlawfully dismiss these tickets, and to thereby avoid the consequences of having such a conviction on one's driving record.

THE SCHEME

16. Between 2008 and 2011, and in furtherance of the scheme, the defendant unlawfully dismissed at least 22 properly issued tickets for vehicle insurance violations.
17. For example, on or about August 27, 2009, and on or about September 17, 2009, defendant received personal payments totaling approximately \$575.00 from two ticketed persons (ticketed persons 1 and 2) and, knowing that the two had no insurance in force, defendant made false entries in the court's computer system and dismissed the tickets.
18. Also in furtherance of the scheme, defendant communicated with ticketed persons outside the scope of his official duties to include conversations by cellular telephone and meetings away from his official work station.
19. On or about January 10, 2011, another ticketed person (ticketed person 3) spoke to defendant in a cellular telephone conversation, and the two arranged to meet at the Violations Bureau to discuss a vehicle insurance ticket.
20. During their meeting and after ticketed person 3 explained that the vehicle he was driving had no insurance, defendant described the available options: (1) talk to the hearing

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officer; (2) go to court; or (3) pay the cost of the ticket to defendant and the case would be closed without any record of the violation.

21. Later the same day, ticketed person 3 met with defendant who led ticketed person 3 to an adjacent building where defendant accepted a personal payment of \$280.00 in U.S. currency from ticketed person 3.
22. Thereafter, defendant never recorded this payment in the court's computer system and instead made false entries showing that ticketed person 3 had presented valid proof of insurance, resulting in dismissal of the ticket.
23. Each of the 22 tickets unlawfully dismissed by defendant had a value to the State of Minnesota and the Fourth Judicial District of at least \$278.00 in claims against the properly ticketed persons, for a total value in claims of at least \$6,110.00.

THE WIRE

24. On or about January 10, 2011, in furtherance of the scheme described above, and for the purposes of executing and attempting to execute the aforesaid scheme and artifice to defraud and to obtain money and property by means of false or fraudulent pretenses, representations, promises and concealment of material facts, did knowingly transmit and cause to be transmitted in interstate commerce certain signs and signals by wire, that is a cellular telephone call, all in

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violation of Title 18, United States Code, Sections 1343 and 1346.

COUNT 2

(Theft From Organization Receiving Federal Funds)

25. The grand jury hereby incorporates and realleges paragraphs 1 through 24 of this indictment.
26. From on or about January 1, 2008, through on or about January 10, 2011, in the State and District of Minnesota, the defendant,

ABDULKADIR MOHAMOUD AFRAH,

an agent of the Minnesota Judicial Branch, did knowingly steal, obtain by fraud and otherwise without authority convert to the use of any person other than the rightful owner, property valued at more than \$5,000.00 and under the care, custody, and control of the Minnesota Judicial Branch, namely lawful claims for payment from ticketed persons for lawfully issued vehicle insurance tickets, all in violation of Title 18, United States Code, Section 666(a)(1)(A).

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COUNT 3

(Soliciting And Receiving A Bribe By Agent
Of Organization Receiving Federal Funds)

27. The grand jury hereby incorporates and realleges paragraphs 1 through 26 of this indictment.
28. From on or about January 1, 2008, through on or about January 10, 2011, in the State and District of Minnesota, the defendant,

ABDULKADIR MOHAMOUD AFRAH,

as part of an unlawful and corrupt scheme, did corruptly solicit, demand, accept and agree to accept a thing of value from more than one person, intending to be influenced and rewarded in connection with any business, transaction and series of transactions, involving anything of value of \$5,000.00 and more, namely defendant accepted more than \$5,000.00 in bribes for his scheme to dismiss lawfully issued tickets, all in violation of Title 18, United States Code, Section 666(a)(1)(B).

Forfeiture Allegations

Counts 1 through 3 of this Indictment are realleged and incorporated as if fully set forth herein by reference, for the purpose of alleging forfeitures.

Pursuant to 18 U.S.C. § 981(a)(1)(c) and 28 U.S.C. § 2461(c), the defendant shall forfeit to the United States all property, real or personal, that constitutes or is derived,

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directly or indirectly, from proceeds traceable to the commission of the offense(s) charged in Count 1.

Pursuant to 18 U.S.C. § 982(a)(3), the defendant shall forfeit to the United States any property, real or personal, which represents or is traceable to the gross receipts obtained, directly or indirectly, as a result of the defendant's commission of the offense(s) charged in Counts 2 and 3.

If any of the above-described forfeitable property is unavailable for forfeiture, the United States intends to seek the forfeiture of substitute property as provided for in Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and by Title 28, United States Code, Section 2461(c).

A TRUE BILL

UNITED STATES ATTORNEY

FOREPERSON